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#43

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Christian

Agent Docket No. IMI-002

Serial No: 09/547,501

Group Art Unit: 1617

Filed: April 12, 2000

Examiner: Shaojia A. Jiang

Title: NOVEL PHARMACEUTICAL AGENTS CONTAINING CARBOHYDRATE MOIETIES AND METHODS OF THEIR PREPARATION AND USE

STATEMENTS ESTABLISHING UNINTENTIONAL DELAY
AND ELECTION RESPONSE TO RESTRICTION REQUIREMENT

Vista, California 92085

July 17, 2001

RECEIVED

JUL 23 2002

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

OFFICE OF PETITIONS

STATEMENT OF CIRCUMSTANCES

Paper No. 3 mailed June 19, 2001 entitled "Election/Restrictions" set a 1 month period for response expiring on July 19, 2001. Applicant responded July 23, 2002, "Response and Amendment" with fee for a 1 month extension of time to extend the period for response to August 19, 2001. The subject Response elected Group IV, with traverse. Paper No. 5, carrying mailing date August 3, 2001 and entitled "Notice of Non-Compliant Amendment" argued that no species had been elected for prosecution and set a one month period for response. Applicant responded August 19, 2001 with a second Amendment and response, and argued that a) election of chemical species, and in this case sub-species, was being inappropriately applied against synthetic methods claims; and b) the claims (after amendment) recited a single species of products, namely, carbohydrate-linked 2-amine and 2-amide drugs. Paper No. 7 entitled "Notice of Non-Responsive Amendment", carried a mailing date of October 10, 2001 setting a 1 month period for response expiring November 10, 2001, i.e., extendible under 37 C.F.R. § 1.136(a), again argued election of sub-species was required. The 6 month statutory period for response expired on December 19, 2001. On March 11, 2002, Applicant

responded with a third Amendment and Response, further narrowing the species, and again argued that general methods for chemical synthesis and coupling of carbohydrate at a 2-amine or 2-amide position in a substituted benzylic ring should not appropriately be subject to sub-species compound restriction requirements, nor should the method occasion a difficult search.

BioMedPatent.com is a sole proprietorship DBA patent agency with one employee, i.e. John S. Sundsmo, PhD, 34,446. With clients by-in-large restricted to friends, and/or cases commonly transferred to patent law firms after drafting, there exists no docketing system or secretarial support. Failure to respond in a timely manner was unintentional. Notice of Abandonment was received in teleconference from the Examiner on May 30, 2002. Mr. Sundsmo, injured in February 2002 with only partial use of the right arm, underwent rotator cuff surgery on July 2, 2002. Under the circumstances, diligent effort has been made to be responsive and in a timely manner.

SUB-SPECIES ELECTION:

With traverse, Applicant elects methods relating to synthesis of dopamine-2-amine- and dopamine-2-amide-carbohydrate-conjugated compounds, i.e. a sub-species according to Claim 41, Formula I and as illustrated in the Examples section, as filed.

Respectfully submitted by:



John S. Sundsmo, PhD

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